

CALIFORNIA SENATE BILL 1421 (SB 1421) RELEASES

BACKGROUND

On September 30, 2018, Governor Edmund G. Brown approved [SB 1421](#), officially amending Sections 832.7 and 832.8 of the California Penal Code as relating to the release of peace officer records. The intent of SB 1421 was to require release of specified peace officer personnel records in accordance with the California Public Records Act.

SB 1421 updated existing law to require the disclosure of records relating to reports, investigations, or findings relating to any of the following categories of records:

- An incident involving the discharge of a firearm at a person by a peace officer or custodial officer
- An incident in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury
- Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public
- Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

SB 1421 also provides direction for the types of records or information which shall not be publicly disclosed as part of any release precipitated by amended language. Such direction is compulsory, and requires agencies which employ sworn peace officers or custodial officers to redact records in accordance with the direction provided.

PUBLICLY DISCLOSED RECORDS

In January of 2019, the Eureka Police Department began a comprehensive review for records subject to disclosure based on the criteria outlined in the California Penal Code Sections updated by SB 1421. Our Department has an extensive history, and we have initiated, modified and utilized multiple records management and storage systems for the breadth of records newly categorized as subject to public disclosure. As such, the department's review of records subject to disclosure under SB 1421 remains ongoing.